

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MAY 11, 1999
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Kathy Campbell, Chair
Bernie Heier
Larry Hudkins
Linda Steinman
Bob Workman

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Diane Staab, Deputy County Attorney
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, May 4, 1999. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

MOTION: Heier moved and Steinman seconded approval of the minutes of May 4, 1999. On call Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **APPROVAL OF MOTOR VEHICLE TAX EXEMPTIONS:**

BryanLGH Medical Center
Nebraska Annual Conference of the United Methodist Church
People's City Mission
Union College

MOTION: Steinman moved and Heier seconded approval of motor vehicle tax exemptions for Nebraska Annual Conference of the United Methodist Church, People's City Mission and Union College and approval of a motor vehicle tax exemption for BryanLGH Medical Center subject to the vehicle being titled and registered to the applicant. On call Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- 3) **DENIAL OF A MOTOR VEHICLE TAX EXEMPTION:**

Cornhusker Council, Boy Scouts of America
St. Mary's Church of Denton

MOTION: Steinman moved and Heier seconded to deny motor vehicle tax exemptions for Cornhusker Council, Boy Scouts of America (1987 Oldsmobile) and St. Mary's Church of Denton because they were untimely filed per Property Tax Directive 97-2. On call Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **ADJOURNMENT:**

By direction of the Chair, the Board of Equalization meeting was adjourned.

Bruce Medcalf
County Clerk

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Commissioners Present: Kathy Campbell, Chair
Bernie Heier
Larry Hudkins
Linda Steinman
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Diane Staab, Deputy County Attorney
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, May 4, 1999. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

MOTION: Hudkins moved and Workman seconded approval of the minutes of May 4, 1999. On call Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, May 11, 1999.**

MOTION: Heier moved and Steinman seconded approval. On call Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- 3) **PUBLIC HEARINGS:**

A. An application for a Corporate Manager license from Barry A Townsend in connection with a Class K (Wine Off Sale Only) and a Class E (Beer Off Sale Only) liquor license for Whitehead Inc. dba/U-Stop Convenience Shop located at 6600 North 84th Street in Lancaster County, Nebraska. (1999852) (1999897) (1999934)

The Chair opened the public hearing and asked if anyone wished testify in favor of the application.

The Clerk administered the oath to Barry Townsend, applicant, and Terry Wagner, County Sheriff.

Wagner explained that a previous application from Barry Townsend was before the County Board, however, at that time, there was a conviction from Nevada on a count of attempted embezzlement, which is a felony, and disqualified him from being a manager in Nebraska. Since that time, and prior to the present application being received, that count was dismissed upon the applicant making restitution. He stated there is no statutory reason for his office to recommend denial, but there may be a question for the Board regarding character. It was noted by Wagner that Townsend has numerous arrests for infractions such as minor attempt to purchase alcohol, driving while intoxicated (DWI) and driving under suspension.

In response to a question asked by Steinman, Townsend stated he has worked for Whitehead Oil for approximately three years.

Steinman stated it concerns her when someone who has a background of abusing alcohol is placed in a situation where they will make decisions about selling or dispersing alcohol.

Hudkins asked Townsend if he is currently on probation for conspiracy to commit embezzlement and if his probation is being supervised by the State of Nevada or Nebraska.

Townsend stated he is currently on probation and is being supervised by the State of Nebraska.

Hudkins stated he is very concerned about the suspended driver's license in 1997. In response to a question asked by Heier, Townsend stated his probation officer knows of the application for a Corporate Manager license.

Workman stated he would be voting against the application next week in light of the fact that many of the infractions occurred recently.

Campbell stated that the County Board would be reviewing and taking the application very seriously because of the number of offenses incurred by Mr. Townsend.

The Chair asked if anyone else wished to testify.

No one appeared and the public hearing was closed.

It was noted that action will be take on the application on Tuesday, May 18, 1999 at 1:30 p.m.

B. County Final Plat 98045, Coupe DeVille Heights, requested by Brian Carstens on behalf of Richard Coupe, consisting of four residential lots, on property located north and west of the intersection of Northwest 84th Street and West Bluff Road in Lancaster County, Nebraska. Resolution and Subdivision Agreement. (1999769) (1999930) (1999933)

The Chair opened the public hearing and asked if anyone wished to testify in favor of the final plat.

The Clerk administered the oath to Brian Carstens.

Brian Carstens, appearing on behalf of Richard and Melinda Coupe, stated the road has been constructed and graveled and they are now ready to sell lots.

Heier asked if there was anything the Planning Department or the County could have done better to expedite the process.

Carstens stated he felt there was some confusion on whether there should be three or five acre lots.

Workman stated that the development is an example of the one provision in the 20 acre rule where there can be clustering to use up less farm ground. He said the development will have four, five acre lots rather than use the entire 80 acres.

The Chair asked if anyone else wished to testify.

No one appeared and the public hearing was closed.

MOTION: Steinman moved and Heier seconded approval of Resolution 99-930 and the Subdivision Agreement in relation to County Final Plat 98045, Coupe DeVille Heights, requested by Brian Carstens on behalf of Richard Coupe, consisting of four residential lots, on property located north and west of the intersection of Northwest 84th Street and West Bluff Road in Lancaster County, Nebraska. On call Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

C. County Final Plat 98038, Yankee Lake Acres, requested by Jack Tuma of ESP on behalf of Pendel, Inc., consisting of 15 residential lots, on property located south and west of the intersection of Southwest 56th Street and West Denton Road in Lancaster County, Nebraska. Resolution and Subdivision Agreement. (1999811) (1999932) (1999931)

The Chair opened the public hearing and asked if anyone wished to testify in favor of the final plat.

The Clerk administered the oath to Rick Houck.

Richard Houck, Planning Department, gave a brief history.

Steinman stated the original request was for a change of zone which was contiguous to other Agricultural Residential (AGR) property and it was on or near a paved road.

Workman asked Houck if it was correct that there are 22 square miles designated for Agricultural Residential (AGR).

Houck stated he thought that was correct. He added most of the AGR property is along the Denton Road area or south of 56th Street.

In response to a question asked by Workman, Houck stated the 22 square miles of AGR property does not include the incorporated village jurisdictions.

Heier inquired about water on the AGR designated property.

Houck stated that all of the AGR designated property has the potential of getting water. He stated most of the property to the east can be served by Lancaster Rural Water District 1 or Cass Rural Water District 2.

Hudkins stated there are a number of acreages inventoried, but in the west and northwest part of the County there are several acreages which have had wells drilled and have had trouble finding water.

Houck stated he feels they need to look at the water quantity/quality, transportation issues and septic systems as developments are built.

Campbell asked if anyone else wished to testify.

No one appeared and the public hearing was closed.

MOTION: Heier moved and Steinman seconded approval of Resolution 99-932 and the Subdivision Agreement in relation to County Final Plat 98038, Yankee Lake Acres, requested by Jack Tuma of ESP on behalf of Pendel, Inc., consisting of 15 residential lots, on property located south and west of the intersection of Southwest 56th Street and West Denton Road in Lancaster County, Nebraska. On call Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

4) **OLD BUSINESS:**

An application for a Special Events Permit from Lincoln/Lancaster County Habitat for Humanity to hold a fund-raising bike ride on Saturday, July 10, 1999, beginning at 8 a.m. and ending at 12:30 p.m. (1999623) (1999734) (1999815) (1999778) (1999899)

Joe Bachman, applicant, appeared and stated most of the concerns of the Sheriff have been addressed.

Terry Wagner, County Sheriff, stated that the letter from Rick Leonard has clarified the route and addressed their concerns.

Larry Worrell, County Surveyor, agreed.

MOTION: Hudkins moved and Workman seconded approval. On call Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

5) **NEW BUSINESS:**

A. An application for a Special Designated License from the Wine Merchants Inc. to hold the Bruns wedding reception on Saturday, May 29, 1999 from 5 p.m. to 1 a.m. at Boss Hogs Party Barn located at 6305 West Adams Street. (1999732) (1999829) (1999892) (1999893)

MOTION: Steinman moved and Hudkins seconded approval.

Workman stated he visited with David Chambers, owner of Boss Hogs, who indicated he prefers functions end at midnight. He added he also visited with two property owners who live along West Adams Street who had no objections to the Special Designated License, however, they have concerns regarding traffic leaving Pawnee Lake. Over the past two years there have been approximately ten vehicles in the ditch and off of the road due to drinking and driving.

Terry Wagner, County Sheriff, stated he didn't believe they have had a call for service in relationship to a Special Designated License at Boss Hog's. He explained that Special Designated Licenses for receptions/parties are usually by invitation only and are not generally open to the public.

In response to a question asked by Workman, Wagner stated he is aware of the problem in regards to individuals leaving Pawnee Lake. He also noted that the road is hazardous due to hills.

Workman noted that Chambers had also expressed that he would also prefer liquor be paid for by the drink rather than free since individuals tend to drink much more when it's free.

Workman offered a friendly amendment that the reception conclude at midnight.

Heier stated he couldn't agree with the friendly amendment. He feels the applicant should be allowed to set the time.

MOTION TO AMEND: Workman moved that the original motion approving the Special Designated License be amended to conclude at midnight.

There was no second and the motion to amend died.

Campbell stated she agreed with Heier and suggested that Chambers express to future applicants that he doesn't want functions to proceed after midnight. She stated she would be willing to draft a letter to Chambers regarding that suggestion.

ROLL CALL: Heier, Workman, Hudkins, Campbell and Steinman voted aye.
Motion carried.

B. A grant contract with Lincoln Lancaster Mediation Center, in the amount of \$17,500, for the general operations of the Lincoln Lancaster Mediation Center. (1999913)

MOTION: Steinman moved and Heier seconded approval.

Heier noted that the \$17,500 represents part of the money that the center needs for general operations. He added that the contract in no way obligates the County for additional monies.

ROLL CALL: Campbell, Steinman, Workman, Heier and Hudkins voted aye.
Motion carried.

C. An agreement with Ameritas Life Insurance Corp for billing and collection services in connection with continuing the County's dental coverage for qualified beneficiaries, in accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA). (1999917)

MOTION: Hudkins moved and Steinman seconded approval. On call Heier, Workman, Steinman, Campbell and Hudkins voted aye. Motion carried.

D. An agreement with Martin Luther Homes of Nebraska, Inc. for services related to shredding documents for the County Records and Information Management Department, at a rate of \$.0516 per pound of paper. (1999918)

MOTION: Hudkins moved and Heier seconded approval. On call Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

E. Ratification of a three year renewal option with ARAMARK Correctional Services, Inc., for a food service program, in the amount of \$479,476, for the Attention Center for Youth, the Corrections Department and Cornhusker Place, beginning April 1, 1999 and ending March 31, 2002 (1999916).

MOTION: Steinman moved and Hudkins seconded approval.

Steinman asked if the contract would be affected if the scope of services is changed during the three year renewal period.

Michael Thurber, Corrections Director, indicated ARAMARK would be able to adapt to any changes and they would also be very helpful to the County in giving suggestions if there are any changes.

Campbell noted that the contract reads that an adult meal is \$1.09/meal, a sack lunch is \$1.09 and a juvenile meal is \$1.22/meal, plus food service and delivery.

Thurber added that there is an escalation clause in the contract that the prices of meals are set according to the Producer Price Index (PPI) and that those will be reviewed this year.

ROLL CALL: Workman, Campbell, Hudkins, Steinman and Heier voted aye.
Motion carried.

F. Ratification of a three year renewal option for the "Inmate Pay Phone" system to Evercom Systems, Inc., formerly known as AmeriTel Pay Phones, for the Corrections Department, for a total guaranteed minimum annual commission of \$180,000 per year, beginning July 15, 1999 and ending July 14, 2002. (1999929)

Michael Thurber, Corrections Director, gave a brief overview of the inmate pay phone system and stated that the projected commission for the year is \$192,000 due to increased population and more calls being made.

MOTION: Steinman moved and Hudkins seconded approval. On call Hudkins, Workman, Heier, Campbell and Steinman voted aye. Motion carried.

G. A resolution accepting South 2nd Street, located in Wilderness Park Estates, for County maintenance. (1999919)

MOTION: Steinman moved and Heier seconded approval of Resolution 99-919. On call Campbell, Heier, Steinman, Workman and Hudkins voted aye. Motion carried.

H. A resolution authorizing the following traffic signs in Lancaster County, Nebraska: (1999911)

- * **Installation of a "Reduced Speed Ahead" sign on Firth Road, west of the 35 mile per hour speed limit sign at the west edge of the Firth village limits for eastbound traffic**
- * **Replacement of the "Speed Zone Ahead" sign with a "Reduced Speed Ahead" sign on Firth Road, east of the Firth village limits for westbound traffic**
- * **Installation of a "Stop Ahead" sign on Martell Road, one-tenth of a mile east of South 25th Street for westbound traffic**

MOTION: Steinman moved and Hudkins seconded approval of Resolution 99-911. On call Hudkins, Campbell, Steinman, Heier and Workman voted aye. Motion carried.

I. Recommendation from the Purchasing Agent and the County Engineer to award a bid off of State of Nebraska requirements to Quality Equipment Company, in the amount of \$21,713.71, for one heated rubberized asphalt crack sealing machine. (1999904)

MOTION: Hudkins moved and Workman seconded approval.

Dan Ludwig, citizen, inquired if the machine was specifically for rubberized asphalt.

Don Thomas, County Engineer, stated yes.

Ludwig stated there are grant funds available to pay for 50 percent of the purchase.

Kerry Eagan, Chief Administrative Officer, suggested the County Board approve the award of bid conditionally.

Hudkins stated he would accept the suggestion as a friendly amendment to allow for the exploration of grant funds.

The seconder of the motion agreed.

The Chair clarified the motion for the record:

CLARIFICATION OF MOTION WITH FRIENDLY AMENDMENT: Award the bid from the State of Nebraska requirements to Quality Equipment Company, in the amount of \$21,713.71, for one heated rubberized asphalt crack sealing machine for the County Engineering Department with the possibility of grant funding for 50 percent of the cost.

ROLL CALL: Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

J. Recommendation from the Purchasing Agent and the County Sheriff to award a bid to Whisler Aviation, in the estimated amount of \$56,000, for removal, replacement and overhaul of aircraft engines and to Silverhawk Aviation, Inc., in the amount of \$4,168, for overhaul of the aircraft exhaust system and annual certification, plus annual needs for fuel and ground services for the Sheriff's office. (1999928)

MOTION: Steinman moved and Hudkins seconded approval. On call Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

K. Recommendation from the Purchasing Agent and the County Engineer to award a bid to Theisen Construction, Inc., in the amount of \$11,060.60, for repair to County bridge A-58. (1999906)

MOTION: Hudkins moved and Steinman seconded approval. On call Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

L. Recommendation from the Purchasing Agent and the County Engineer to award a bid to Theisen Construction, Inc., in the amount of \$10,730, for repair to County bridge V-62. (1999905)

MOTION: Steinman moved and Workman seconded approval. On call Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

M. Recommendation from the Purchasing Agent and the County Engineer to award a bid to Brandt Excavating, in the amount of \$25,180, for channel repair at County bridge A-151. (1999907)

MOTION: Workman moved and Steinman seconded approval. On call Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

N. Approval of a grant for repairs to a modular home located at 6005 Panama Road, Hickman, Nebraska, in the amount of \$5,600, on behalf of Tracey Latture through Lincoln Action Program's Rural Housing Rehabilitation Program. (1999915)

MOTION: Steinman moved and Hudkins seconded approval.

Heier inquired about the value of the property.

Judy Adams, Lincoln Action Program, appeared and responded that she didn't know the value of the property. She explained that Kathy Willet, Lincoln Action Program, conducts the followup on the property and had indicated it was valued at \$16,000.

In response to a question asked by Heier, Adams stated the County has the first lien.

Adams also noted that the lot is not leased.

ROLL CALL: Steinman, Workman, Campbell, Hudkins and Steinman voted aye. Motion carried.

O. A disbursement from the Lancaster County Leasing Corporation Renewal and Replacement Fund to Medline Industries, Inc., in the amount of \$9,945.33, for 77 pressure reduction mattresses and to A A Horwath & Sons, in the amount of \$110,770, to replace a commercial washer and dryer at Lancaster Manor. (1999896)

MOTION: Steinman moved and Workman seconded approval. On call Heier, Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

- 6) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:
- A. Renewal of maintenance agreements with D & E Technical Service, Inc. for typewriters located in the Clerk of the District Court's office, in the total amount of \$1,090, beginning May 9, 1999 and ending May 8, 2000. (1999903)**
 - B. Approval of Lancaster Manor's participation in the Summerworks Program, administered by the City of Lincoln Job Training Division. (1999914)**
 - C. A resolution in connection with County Change of Zone 185, requested by Mary and Eugene Benes, from AG Agricultural to B Business on property located one-quarter mile west of the corner of Northwest 70th Street and Agnew Road, west of the unincorporated town of Agnew in Lancaster County, Nebraska. (1999912)**
 - D. Contracts relating to road improvements with the following:**
 - * Ivan W Schroeder near North 162nd and Adams Streets. This is a land donation. (1999920)**
 - * James W and Barbara Partington on North 162nd Street near Adams Street, in the amount of \$55. (2 contracts) (1999925) (1999926)**
 - * Jerry Haertel near North 176th and Adams Streets, in the amount of \$10. (1999921)**
 - * Katharina E Sherman on North 1st Street near Humphrey Avenue, in the amount of \$113. (1999922)**
 - * Darrell Fiedler on Martell Road near South 190th Street, in the amount of \$10. (1999923)**
 - * Guenther and Johanna Schwerdtle on Martell Road near South 190th Street, in the amount of \$93.50. (1999924)**

Campbell stated Commissioners Heier and Steinman requested Consent Item 6A be separated for discussion.

In response to a question asked by Heier regarding surge suppressors, Kathy Smith, Assistant Purchasing Agent, explained there are different types of suppressors depending on the type of backup needed with the equipment. She stated the Clerk of the District Court's office is probably using outlet strips with surge suppression included. There are also units which plug into the wall and have batteries for backups. The outlet strips range in price from \$5 to \$6, with the battery type units ranging up to several hundred dollars.

Heier asked if there were bids taken on the surge suppressors.

Smith stated they had surge suppressors, through the warehouse, on bid and in stock, however, since the warehouse has been closed, she stated, they do have contracts on those types of items which can be purchased at a reduced rate.

Heier stated he can't justify the cost of the maintenance agreements when the equipment isn't very expensive. If a service call is made, he said, and there is nothing wrong with the machine, other than a need to be cleaned, there would still be a charge.

Smith stated that was correct. She noted that the typewriters are dispersed throughout the office and are used for filling out necessary forms.

Steinman stated she was concerned about the number of typewriters in the office and noted that in most cases offices are using computers. She stated she didn't know if the forms used in the Clerk of the District Court's office have been adapted for computer use.

Campbell suggested that Consent Item 6A be deferred for one week and requested Kathy Smith to contact Kelly Moore Guenzel Handlos, Clerk of the District Court and Simon Rezac, Accounting Services, to attend the County Board meeting to be held Tuesday, May 18th.

Campbell noted that replacement of the typewriters would be very expensive and if they are using pre-printed forms they would need the equipment.

Hudkins stated he feels the service agreements are getting too expensive.

MOTION: Steinman moved and Hudkins seconded approval of the Consent Items with the exception of Consent Item 6A which was deferred for one week to Tuesday, May 18, 1999. On call Campbell, Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

7) **Lancaster County Support for Amendment of LB 637 as Proposed by the Nebraska Association of County Officials (1999957)**

Campbell stated she had attended a meeting with representatives of the Nebraska Association of County Officials (NACO) to discuss a proposed amendment of LB 637, which changes child support payment and disbursement provisions. Also in attendance were Kerry Eagan, Chief Administrative Officer, Dave Kroeker, Budget & Fiscal Director, Bruce Medcalf, County Clerk (former Deputy of the Clerk of the District Court), Kelly Moore Guenzel Handlos, Clerk of the District Court, and representatives from Douglas, Platte and Dawson counties.

She stated discussion took place regarding the principles which they would like conveyed to the Legislature and Douglas County representatives presented a resolution for consideration and review by the Lancaster and Sarpy County Boards.

Kerry Eagan, Chief Administrative Officer, explained that the resolution states that Lancaster County will adopt the same resolution which was prepared by Douglas County. He added that it does summarize the conclusions which were reached at the meeting with NACO.

Campbell noted that one of the important features of the resolution, which the Commissioners should note, is that disbursement of all support order payments must be made within two business days. She explained that the *Baker Amendment* would have allowed an additional two days, however, it was felt that extending the payment another two days was unacceptable.

MOTION: Hudkins moved and Heier seconded approval of Resolution 99-957. On call Heier, Workman, Steinman, Campbell and Hudkins voted aye. Motion carried.

8) **DISCUSSION:**

A. Dave Kroeker, Budget & Fiscal Director, explained Mayor-elect Wesley will present the City's budget on July 12, 1999. He stated the City has requested that the Common budget meeting for joint budgets be held between July 12 and July 19.

It was the consensus of the County Board to hold a County budget meeting on Wednesday, July 12, 1999 from 3 p.m. to 6 p.m. and hold the Common budget meeting for joint budgets from 4 p.m. to 8 p.m. on July 14, 1999.

B. The County Board welcomed J. Chris Hain, reporter for the Journal Star, who will be covering the County Board meetings.

C. Campbell stated Commissioner Hudkins suggested that the County Board adopt a resolution on Tuesday, May 18, 1999, thanking the retiring members of the City Council and Mayor Dale Young.

Campbell stated she would work with Kerry Eagan, Chief Administrative Officer, in preparing the resolution.

9) **ADJOURNMENT:**

MOTION: Steinman moved and Heier seconded adjournment. On call Workman, Campbell, Hudkins, Steinman and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk